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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,245	02/13/2004	Tai-Suk Kim	46323	4486

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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
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WASHINGTON,, DC 20036

EXAMINER

SOBUTKA, PHILIP

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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06/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/777,245

Applicant(s)

KIM ET AL.

Examiner

Philip J. Sobutka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Korea on February 14, 2003. It is noted, however, that applicant has not filed a certified copy of the Korean application as required by 35 U.S.C. 119(b).
2. Note that the cover sheet and a bound document were received July 19, 2004, but the bound copy was not able to be scanned and must be re-submitted.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Padovani et al (US 6,442,398).

Consider claim 1. Padovani teaches an apparatus for measuring the received power of a reverse link in a mobile communication system, comprising:

an unchangeable power measuring block (UPMB) for measuring the received power of the reverse link (Padovani see for example column 6, lines 1-46),

accumulating the measured received power, and outputting the accumulated received power as a received power value (Padovani see for example figure 8, item 814);

a remover for compensating the received power value using a time constant if the received power value is for a silence period (note that, as is known in the art, the AGC circuitry adds or removes gain to compensate for the measured value, see for example Padovani for example column 12, lines 30-52); and

a controller for providing a silence period signal to the remover when the silence period starts (Padovani see for example figure 8, column 13, line 50 – column 16, lines 20).

Consider claim 2. Padovani teaches the apparatus of claim 1, wherein the remover processes the received power value for the silence period by calculating silence period power value- $(\text{effective load at the end of non-silence period}) \cdot \exp(-t/T)$ (4) where T is the time constant of the UPMB, t is time, and the effective load is load imposed by transmitting data on the receiver link from mobile stations (MSs) (Padovani see figure 8, column 13, line 50 – column 16, lines 20).

Consider claim 3. Padovani teaches the apparatus of claim 1, wherein the remover bypasses the received power value received from the UPMB, if the silence period signal is not received (Padovani see for example figure 8, column 13, line 50 – column 16, lines 20).

Consider claim 4. Padovani teaches an apparatus for measuring the received power of a reverse link in a mobile communication system, comprising:

an unchangeable power measuring block (UPMB) for measuring the received power of the reverse link (Padovani see for example column 6, lines 1-46),

accumulating the measured received power, and outputting the accumulated received power as a received power value (Padovani see for example figure 8, item 814);

a remover for compensating the received power value using a time constant if the received power value is for a silence period; a bypass line for outputting an input power value (note that, as is known in the art, the AGC circuitry adds or removes gain to compensate for the measured value, see for example Padovani for example column 12, lines 30-52);

a switch for switching the received power value received from the UPMB between the remover and the bypass line according to a switching control signal (Padovani see for example figure 8, column 13, line 50 – column 16, lines 20); and

a controller for generating the switch control signal by which the switch is connected to the remover for a silence period and to the bypass line for a non-silence period (Padovani see for example figure 8, column 13, line 50 – column 16, lines 20).

Consider claim 5. Padovani teaches the apparatus of claim 4, wherein the remover processes the received power value for the silence period by calculating silence period power value-(effective load at the end of non-silence period)* $\exp(-t/T)$ (5) where T is the time constant of the UPMB and t is time and the effective load is load

imposed by transmitting data on the receiver link from mobile stations (MSs) (Padovani see figure 8, column 13, line 50 – column 16, lines 20).

Consider claim 6. Padovani teaches a method of measuring the received power of a reverse link in a mobile communication system, comprising the steps of:

measuring the received power of the reverse link (Padovani see for example column 6, lines 1-46),

accumulating the measured received power, and outputting the accumulated received power as a received power value (Padovani see for example figure 8, item 814);

compensating the received power value using a time constant if the received power value is for a silence period and outputting the compensated received power value as a thermal noise power value for the silence period (note that, as is known in the art, the AGC circuitry adds or removes gain to compensate for the measured value, see for example Padovani for example column 12, lines 30-52); and

calculating a riser over thermal (ROT) power value using the received power value measured for a non-silence period and the thermal noise power value of the silence period (Padovani see for example figure 8, column 13, line 50 – column 16, lines 20).

Consider claim 7. Padovani teaches the method of claim 6, wherein the compensation is performed by calculating silence period power value-(effective load at the end of non-silence period)*exp(-t/T) (6) where T is the time constant of an

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unchangeable power measuring block (UPMB) and t is time (Padovani see for example figure 8, column 13, line 50 – column 16, lines 20).

Consider claim 8. Padovani teaches the method of claim 6, further comprising the step of controlling the load of the reverse link based on the ROT power value (Padovani see for example figure 8, column 13, line 50 – column 16, lines 20).

Consider claim 9. Padovani teaches the method of claim 6, further comprising: bypassing the step of compensating the received power using a time constant during a non-silence period (Padovani see for example figure 8, column 13, line 50 – column 16, lines 20).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobutka whose telephone number is 571-272-7887. The examiner can normally be reached Monday through Friday from 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4711.

6. The central fax phone number for the Office is 571-273-8300.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX

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number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, followed by the date "6/22/07".

PHILIP J. SOBUTKA
PATENT EXAMINER

Philip J Sobutka

(571) 272-7887